

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
WILLIAM Z. JUDISKY,

Plaintiff,

-against-

ANSWER

07 Civ. 4153 (SCR)(MDF)

METRO-NORTH COMMUTER RAILROAD,

Defendant.

-----X

Defendant, Metro-North Commuter Railroad ("Metro-North"), by its attorney, Richard K. Bernard, General Counsel, as and for its answer to the complaint of the plaintiff, alleges as follows:

1. Denies upon information and belief each of the allegations contained in paragraph(s) 1 of the complaint and refers all questions of law and fact to the judge and jury.

2. Admits the allegations contained in paragraph(s) 2 of the complaint.

3. Denies upon information and belief each of the allegations contained in paragraph(s) 3 of the complaint and refers all questions of law and fact to the judge and jury, except admits that the defendant employed the plaintiff.

4. Denies upon information and belief each of the allegations contained in paragraph(s) 4 of the complaint and refers all questions of law and fact to the judge and jury, except admits that the defendant maintained, operated and controlled a line of railroad trackage known as the Hudson Division Line.

5. Denies the allegations contained in paragraph(s) 5, 6 and 7 of the complaint.

AS AND FOR AN AFFIRMATIVE DEFENSE

6. As and for an affirmative defense, or as a defense in mitigation of damages, the defendant claims that any injuries allegedly sustained by the plaintiff were caused, in whole or in part, by reason of the culpable conduct of the plaintiff.

WHEREFORE, the defendant Metro-North, demands judgment dismissing the complaint, together with costs and disbursements, and expenses of this action, including attorneys' fees.

Dated: New York, New York
June 19, 2007

RICHARD K. BERNARD
GENERAL COUNSEL
By: S/
Ioana Wenchell
Attorneys for Defendant
347 Madison Avenue
New York, New York 10017
212-340-2203 - IW/4775

TO: Ira M. Maurer, Esq.
Cahill, Goetsch & Maurer, P.C.
Attorneys for Plaintiff
1 Croton Point Avenue
Croton-on-Hudson, NY 10520
914- 271-9474 – IM/0337

STATE OF NEW YORK :
 : ss:
COUNTY OF NEW YORK :

LAURA MATTHEWS, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age and reside in Bronx County, New York.

On June 20, 2007, I served a true copy of the annexed ANSWER and RULE 7.1 STATEMENT, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

TO: Ira M. Maurer, Esq.
Cahill, Goetsch & Maurer, P.C.
Attorneys for Plaintiff
1 Croton Point Avenue
Croton-on-Hudson, NY 10520
914- 271-9474 – IM/0337

S/
LAURA MATTHEWS

Sworn to before me this
20 day of June, 2007

S/
NOTARY PUBLIC

